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Attorneys for Plaintiff  
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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

MLC INTELLECTUAL PROPERTY, LLC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. 3:14-cv-03657-SI

**PLAINTIFF MLC INTELLECTUAL  
PROPERTY, LLC'S PRELIMINARY  
[PROPOSED] JURY VERDICT FORM**

Ctrm: 1, 17<sup>th</sup> Floor  
Judge: Honorable Susan Illston

Trial Date: August 12, 2019

1 Pursuant to the Court's Scheduling Order (Dkt. 184-1) , Order Extending Certain  
2 Deadlines Related to Pretrial Disclosures (Dkt. 396), and Section 3(d) of the Court's Standing  
3 Order re: Pretrial Preparation, Plaintiff MLC Intellectual Property, LLC ("Plaintiff")  
4 respectfully submits the following Proposed Verdict Form attached hereto as Exhibit A.  
5  
6

7 Dated: June 21, 2019

Respectfully Submitted,

8 POLSINELLI LLP

9  
10 By: /s/ Fabio E. Marino  
Fabio E. Marino

11 Attorneys for Plaintiff  
12 MLC INTELLECTUAL PROPERTY, LLC  
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**EXHIBIT A****VERDICT FORM**

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

**FINDINGS OF PATENT INFRINGEMENT CLAIMS**

(The questions regarding infringement should be answered regardless of your findings with respect to the validity or invalidity of the patent.)

**A. Direct infringement**

1. Has MLC proven that it is more likely than not that one or more of Micron's multi-level cell NAND Flash products infringed any of the following claims of the '571 Patent?

a. Claim 30 Yes \_\_\_\_ No \_\_\_\_

b. Claim 42 Yes \_\_\_\_ No \_\_\_\_

**B. Obviousness**

2. The ultimate conclusion that must be reached on the obviousness question is whether Micron has proven by clear and convincing evidence that the claimed invention would have been obvious to a person of ordinary skill in the field at the time the patent application was filed. In order to properly reach a conclusion the following preliminary questions must be answered:

a. What difference, if any, existed between the claimed invention and the prior art at the time of the claimed invention?

i. XXX<sup>1</sup>

\_\_\_\_ No difference between scope of invention and what is known in prior art

\_\_\_\_ Purported prior art did not perform the invention

ii. XXX

\_\_\_\_ No difference between scope of invention and what is known in prior art

\_\_\_\_ Purported prior art did not perform the invention

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<sup>1</sup> Micron to identify the prior art combinations it actually intends to present at trial.

3. After consideration of the answers to the preliminary questions above, has Micron proven by clear and convincing evidence that the following claims of the '571 Patent are invalid because the claimed subject matter would have been obvious to a person of ordinary skill in the field at the time the patent application was filed.

Claim 30 Yes \_\_\_\_ No \_\_\_\_

Claim 42 Yes \_\_\_\_ No \_\_\_\_

### FINDINGS OF DAMAGES (IF APPLICABLE)

4. If you have found that Micron infringed at least one valid claim of either MLC patent, what damages do you award MLC as a result of that infringement?

\$ \_\_\_\_\_

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Security Guard that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Dated: August \_\_\_\_, 2019

By:

\_\_\_\_\_  
Presiding Juror